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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 PATRICK DEWIN MCDANIEL,

13 Petitioner,

14 v.
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16 RON BARNES, et. al.,

17 Respondent.
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Case No.: 13-2940 JSC (PR)

**ORDER OF DISMISSAL;
INSTRUCTIONS TO CLERK**

(Docket Nos. 1, 9)

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20 Petitioner is a California prisoner proceeding pro se. This case was opened on June
21 26, 2013, when the Court received an application to proceed in forma pauperis (“ifp”) from
22 Petitioner. Because the application did not have a federal case number in the caption (dkt. #
23 1), the Clerk filed it in a new case, not realizing that a Petitioner already had an open case in
24 which he had filed a petition for a writ of habeas corpus in a different case, C 13-2804 JST
25 (PR). Petitioner has written a letter to the Court (dkt. #6) in which he states that he did not
26 intend to pursue his habeas petition in two separate cases, which would be improper in any
27 event. Accordingly, the instant case is DISMISSED as having been opened in error. No fee
28 is due.

1 The Court notes that case number C 13-2804 JST (PR), he was instructed on July 30,
2 2013, to file a completed ifp application (dkt. #5). On July 26, 2013, he filed a completed ifp
3 application (dkt. # 9), but it was filed in the instant case because once again he did not include
4 his federal case number in the caption of the application. Accordingly, the Clerk shall file the
5 ifp application that was filed as docket number 9 in the instant case, in Petitioner's earlier
6 case, C 13-2804 JST (PR). Petitioner shall clearly indicate the case number C 13-2804 JST
7 (PR) in the caption of every future filing or other communication related to his habeas
8 petition.

9 The Clerk shall enter judgment, close the file, and terminate any pending motions.

10 **IT IS SO ORDERED.**

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12 Dated: August 8, 2013

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14 JACQUELINE SCOTT CORLEY
15 UNITED STATES MAGISTRATE JUDGE
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